

1 AN ACT concerning certain illumination standards.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Automated Teller Machine Security Act is
5 amended by changing Sections 5 and 10 as follows:

6 (205 ILCS 695/5)

7 Sec. 5. Definitions. As used in this Act, the term:

8 "Access area" means any paved walkway or sidewalk that is
9 within 50 feet of any automated teller machine. The term
10 does not include any street or highway open to the use of the
11 public or any adjacent sidewalk.

12 "Access device" has the same meaning as set forth in
13 Federal Reserve Board Regulation E, 12 C.F.R. Part 205,
14 promulgated pursuant to the federal Electronic Fund Transfer
15 Act, 15 U.S.C. Section 1601, et seq.

16 "Automated teller machine" means any electronic
17 information processing device located in this State that
18 accepts or dispenses cash in connection with a credit,
19 deposit or convenience account. The term does not include
20 devices used (i) solely to facilitate check guarantees or
21 check authorizations, (ii) in connection with the acceptance
22 or dispensing of cash on a person-to-person basis, including
23 by store cashier, or (iii) for payment in connection with the
24 purchase of goods or services.

25 ~~"Candlefoot--power"--means-the-light-intensity-of-candles~~
26 ~~on-a-horizontal-plane-at-36-inches-above-ground-level--and--5~~
27 ~~feet-in-front-of-the-area-to-be-measured.~~

28 "Control" of an access area or defined parking area means
29 to have the present authority to determine how, when and by
30 whom the access area is to be maintained, lighted, and
31 landscaped.

1 "Customer" means a natural person to whom an access
2 device has been issued for personal, family, or household
3 use.

4 "Defined parking area" means that portion of any parking
5 area open for customer parking that is:

6 (1) Contiguous to an access area with respect to an
7 automated teller machine;

8 (2) Regularly, principally, and lawfully used for
9 parking by users of the automated teller machine while
10 conducting automated teller machine transactions during
11 the hours of darkness; and

12 (3) Owned or controlled by the operator of the
13 automated teller machine or by the party leasing the
14 automated teller machine site to the operator. The term
15 does not include any parking area that (i) is not open or
16 regularly used for parking by users of the automated
17 teller machine who are conducting automated teller
18 machine transactions during the hours of darkness or (ii)
19 is physically closed to access or is marked by
20 conspicuous signs indicating that it is closed. If a
21 multiple-level parking area satisfies the conditions of
22 this paragraph and would therefore otherwise be a defined
23 parking area, only the single parking level deemed by the
24 operator of the automated teller machine to be the most
25 directly accessible to the users of the automated teller
26 machine shall be a defined parking area.

27 "Financial institution" means a state or federally
28 chartered bank, savings and loan association, savings bank,
29 or credit union.

30 "Footcandle" is the measure of illuminance (quantity of
31 illumination) on a surface or at specific plane as defined by
32 the Illuminating Engineering Society of North American.

33 "Hours of darkness" means the period that begins 30
34 minutes after sunset and ends 30 minutes before sunrise.

1 "Operator" means any financial institution or other
2 business entity or any other person who operates an automated
3 teller machine, but does not include any person or entity
4 whose primary function is to provide for the exchange,
5 transfer or dissemination of electronic fund transfer data,
6 including, without limitation, any network or switch
7 established under the Electronic Fund Transfer Act.

8 "Public road" means any public right of way, including,
9 but not limited to, structures, sidewalks, facilities, and
10 appurtenances incidental thereto.

11 (Source: P.A. 89-542, eff. 7-19-96.)

12 (205 ILCS 695/10)

13 Sec. 10. Date of compliance; provision of adequate
14 lighting.

15 (a) An operator of an automated teller machine installed
16 on or after July 1, 1997 shall comply with the provisions of
17 subsection (c) of this Section commencing on the date the
18 automated teller machine is installed. Compliance with
19 subsection (c) of this Section by operators as to automated
20 teller machines existing as of July 1, 1997 shall be optional
21 until July 1, 1998 and mandatory thereafter. This Act
22 applies to an operator of an automated teller machine only to
23 the extent that the operator controls the access area or
24 defined parking area to be lighted.

25 (b) If an access area or defined parking area is not
26 controlled by the operator of the automated teller machine,
27 and if the person who leased the automated teller machine
28 site to the operator controls the access area or defined
29 parking area, the person who controls the access area or
30 defined parking area shall comply with subsection (c) of this
31 Section as to any automated teller machines installed on or
32 after July 1, 1997, commencing on the date the automated
33 teller machine is installed and as to any automated teller

1 machine existing as of July 1, 1997, commencing no later than
2 July 1, 1998.

3 (c) The operator, owner, or other person responsible for
4 the automated teller machine shall provide lighting during
5 the hours of darkness with respect to an open and operating
6 automated teller machine and any defined parking area, access
7 area, and the exterior of an enclosed automated teller
8 machine installation according to all of the following
9 standards:

10 (1) There shall be a minimum maintained level of
11 illumination of 10 footcandles at the face of the
12 automated teller machine. The illumination level shall
13 be at plane 3 feet above finished grade and shall extend
14 outward from the automated teller machine in a radius of
15 5 feet in a arc of 180 degrees starting and ending
16 parallel with the face of the machine of 10-candlefoot
17 power-at-the-face-of-the--automated--teller--machine--and
18 extending-outward-5-feet.

19 (2) There shall be a minimum maintained level of
20 illumination of 2 footcandles measured 3 feet above
21 finished grade at a distance of 50 feet from all
22 unobstructed directions from the face of the automated
23 teller machine. In the event the automated teller
24 machine is located within 10 feet of the corner of the
25 building and the automated teller machine is generally
26 accessible from the adjacent side, there shall be a
27 minimum maintained level of illumination of 2 footcandles
28 measured 3 feet above finished grade of 2-candlefoot
29 power-within-50-feet-from--all---unobstructed--directions
30 from--the--face--of--the--automated--teller--machine.--In--the
31 event--the--automated--teller--machine--is--located--within--10
32 feet--of--the--corner--of--the--building--and--the--automated
33 teller--machine--is--generally--accessible--from--the--adjacent
34 side,--there--shall--be--a--minimum--of--2--candlefoot--power

1 along the first 40 unobstructed feet of the adjacent side
2 of the building.

3 (3) There shall be a minimum maintained level of
4 illumination of 2 footcandles measured at 3 feet above
5 finished grade of ~~2-candlefoot-power~~ in that portion of
6 the defined parking area within 60 feet of the automated
7 teller machine.

8 (Source: P.A. 89-542, eff. 7-19-96.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.